



New Jersey Department of Education, Office of Charter and Renaissance Schools

Charter Amendment Guidelines Updated November 2020

Purpose

The purpose of this document is to:

- Outline the process that a charter school must follow in making an amendment request; and
- Provide guidance to charter schools about the types of changes that require approval from the Commissioner through an amendment to the school's charter **before** the school implements the changes.

Overview

In accordance with *N.J.S.A. 18A:36A-3*, a charter school is a public school operated under a charter granted by the Commissioner. Charter schools are public schools governed by independent boards and held accountable to a contractual agreement with their chartering entity. When a charter school governing board requires a **material** change to its charter, the contractual agreement may be modified by mutual agreement of the chartering entity and the governing body of the school.

Amendments may be requested pursuant to *N.J.A.C. 6A:11-2.6* et seq. A charter school may apply to the Commissioner for an amendment to the charter at any time following the final granting of the charter. **However, requests for expansion in enrollment must be made by December 1 of the preceding school year to increase enrollment in the subsequent school year.**

If you have any questions regarding the amendment process and what types of changes are considered material, please contact the Office of Charter and Renaissance Schools at scharter@doe.nj.gov

Process

The board of trustees of a charter school shall submit in the form of a board resolution the amendment request to the Commissioner and the district board(s) of education. A complete and acceptable amendment request consists of the following four elements:

1. A formal cover letter of request to the Commissioner of Education that includes a rationale for the requested amendment and other supportive documentation;
2. An approved board resolution that:
 - a. Is signed and dated,
 - b. Includes a tally of the board members that were present, and
 - c. Includes how the board members voted (Yes, No, Abstained or Absent).
3. Any page(s) from the original charter that will be affected by the amendment reflecting the proposed changes (i.e., revised enrollment charts, school year calendar, etc.).
4. Receipt(s) certifying that copies of the amendment request were submitted to the district(s) of residence.

A hard copy of the amendment request package should be mailed to Commissioner, New Jersey Department of Education, P.O. Box 500, Trenton, NJ 08625. In addition, the package may be emailed to Commissioner using the following address: commiss@doe.nj.gov

The amendment request package must also be copied to the following:

Titles:	Names:	Emails:
District Superintendent(s)		
Commissioner	Angelica Allen-McMillan	commiss@doe.nj.gov
Assistant Commissioner	Daryl Minus-Vincent	daryl.minus-vincent@doe.nj.gov
Acting Deputy Assistant Commissioner	Julie Bunt	julie.bunt@doe.nj.gov

Please note that based on the type of amendment a charter school requests, additional information may be required. See section “Request Types” for more details.

In accordance with *N.J.A.C. 6A:11-2.6*, the district board(s) of education of a charter school may submit comments regarding the amendment request to the Commissioner within 60 days of receipt of the resolution of the board of trustees.

The Commissioner may approve or deny amendment requests of charter schools and shall notify charter schools of the decision. If approved, the amendment becomes effective immediately unless a different effective date is established by the Commissioner.

Request Types

Based on request type, all documentation described below must be included in the amendment request submitted to the Commissioner.

Location/Facility

Location of Facilities (relocating or adding a school site location)

1. Provide an address and description of the proposed charter school facility. Include the number of classrooms, common areas, and recreational space.
2. Provide a rationale for the change/addition.
3. Describe any possible fiscal impacts of the change and/or addition of the facility.
4. Describe how any required changes in transportation services will be communicated to the district(s) of residence.

Changing or Adding a District or Region of Residence

1. Describe the reason for the selection of the community(ies) and the relationships that have been established in the targeted community.
2. Describe how this amendment enhances or expands the educational opportunities currently available to the targeted student population based on their needs.
3. Describe how the school has assessed parental support from the proposed district(s).
4. Describe how transportation services will be provided to all eligible students.
5. Describe the anticipated financial impact if the amendment is granted, and the school’s preparations for any challenges, e.g. revenue increase or decrease based on variation in per pupil tuition and projected enrollment, additional staffing, etc.
6. Provide examples of anticipated additional strategies to attract, enroll, and retain students.

Enrollment

Adding Pre-Kindergarten

1. In order to apply to add Pre-Kindergarten classrooms, the school must first contact the Division of Early Childhood Education and Family Engagement at the New Jersey Department of Education. You may email Robin

Wilkins (robin.wilkins@doe.nj.gov) regarding the application process. Application documents are generally released in September and the approval of Pre-Kindergarten classes is determined by the Division of Early Childhood Education and Family Engagement.

2. After applying to the Division of Early Childhood Education and Family Engagement, the school must also submit a request by December 1 to be considered for the ability to serve Pre-Kindergarten classes in the subsequent school year as a grade level in the charter. The school must provide a brief descriptive summary of the proposed Pre-K expansion and provide a chart depicting the proposed change by grade level. The chart should not go beyond the school's current charter term.

Increasing Enrollment or Expanding Grade Levels

1. Submit a request by **December 1** of the previous school year to increase enrollment in the subsequent school year (pursuant to *N.J.A.C. 6A:11-2.6(a)2ii*).
2. Provide a brief descriptive summary of the proposed expansion of maximum enrollment and/or grades served. Provide a chart depicting the proposed change. The chart should not go beyond the school's current charter term.
3. Describe the rationale behind the charter school's request to increase maximum enrollment and/or increase the grade span. Please include the following in your response:
 - a. Family Demand (wait list information)
 - b. Staffing changes
4. Provide information on any changes to your school's current facilities (renovations, new location) based on this expansion request.
5. The Department will review the school's academic performance based on statewide assessment data. Please explain any unique circumstances related to published school data, and corrective actions taken to address challenges in any of these areas of school performance within their request.

Note: Questions 6 and 7 below should only be answered by schools requesting expansion into another grade span. For example, a school requesting expansion from K-5 to K-8 is required to answer the questions below. A K-3 school requesting expansion to K-5, but not into grades 6-8, is not required to respond to these two questions.

6. Provide a synopsis of the proposed educational program including key components of the education model and any unique or innovative features of the proposed expansion. Briefly explain the evidence base and performance record that demonstrate the expansion model will be successful in improving academic achievement for the student population. Highlight the following in your response:
 - Curricular choices;
 - Educational approaches; and
 - Instructional strategies.
7. Describe the team's individual and collective qualifications for implementing the new school design successfully, including capacity in areas such as:
 - School leadership, administration, and governance;
 - Staffing and recruiting;
 - Goal setting and performance management; and
 - Curriculum, instruction, and assessment.

Note: As part of the amendment process, please note that the NJDOE may interview schools seeking to increase enrollment to assess the school's plan and capacity to serve additional students.

Weighted Lottery

Official Department guidance on weighted lotteries is available upon request.

1. Describe the types of educationally disadvantaged students that the school will give preference to in its lottery

2. (e.g., students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, homeless students), and what information it will request from applicants to determine who qualifies for the weighting preference.
3. Describe the materials and communications that will be provided to families regarding the weighted lottery.
4. Explain how the school will message its weighted lottery to ensure that it will not run afoul of the anti-discrimination law.
5. Describe how the school will train staff to ensure that messaging regarding the weighed lottery is appropriate.
6. Describe the lottery mechanics that will be used and the additional chances that educationally disadvantaged students will receive in the lottery.

Other

Schedule Change (e.g. length of year, school week, or school day)

1. Provide a copy of the school's current schedule; calendar, school week, or school day, with proposed changes clearly marked.
2. Provide a copy of the proposed schedule.
3. Describe how any required changes in transportation services will be communicated to the district(s) of residence.

Changes to the Charter School's Approved Mission

1. Include the school's currently approved mission statement and key design elements.
2. Include the proposed mission statement and describe any changes to the education program's key design elements that may be implemented to support the revised mission.
3. Describe how the school has communicated the proposed changes to the school community (e.g., parents and guardians, students, staff members).

School Name Change

1. Provide a rationale for the change in the school's name.
2. Describe how the change in school name will be advertised to the community.

Note: Upon initial approval of the school's amendment to its name, the school must submit the following documents under the new full legal name:

- *Certificate of Incorporation and*
- *Federal Employer Identification Number.*

The Office of Charter and Renaissance Schools will notify all DOE offices upon receipt of the documentation that the school's name has legally changed.

Notification

Changes that require notification of the Department

A number of changes at a charter school may not require an amendment request but **do require** that the school officially inform the Department in a timely fashion. Notification requires an individual authorized by the board, usually the school leader or a member of the school's administration, to submit a letter to the Office of Charter and Renaissance Schools informing the Department of the change. Letters must be submitted via email to scharter@doe.nj.gov.

Please notify the Office of Charter and Renaissance Schools when changes are made with regards to:

1. General contact information (phone number, mailing address, and email) for the school and the school's board of trustees;
2. Individuals holding school leadership positions, such as a Lead Person, SBA or Principal;
3. Officers of the school's board of trustees;

4. Individuals resigning from the board of trustees;
5. The student disciplinary code; or
6. Contracted agreements with Educational Service Providers.

Resources

Sample Board of Trustees Resolution for an Amendment Request

Resolution

Name of Charter School

Address

Subject of Resolution:

It is hereby resolved that the Board of Trustees of the _____ Charter School approves the following request for an amendment to its charter:

State the amendment request

Motion made by: _____ **Seconded by:** _____

Tally of Votes:

Names:

Member 1: _____

Member 2: _____

Member 3: _____

Member 4: _____

Member 5: _____

Names:

Member 6: _____

Member 7: _____

Member 8: _____

Member 9: _____

I, (Board Secretary/President) certify that the above resolution was passed by a majority of a quorum of this Board of Trustees, as indicated above.

Signature: _____ Date of Board Meeting: _____